

Hon. \_\_\_\_\_

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN C. KROACK,

Defendant.

Civil Action No. \_\_\_\_\_

**COMPLAINT**

Plaintiff, the United States of America, by and through its undersigned attorneys, brings this civil cause of action against Defendant, John C. Kroack under the Freedom of Access to Clinic Entrances Act ("FACE"), 18 U.S.C. § 248 (1994), and alleges as follows:

**I. NATURE OF ACTION**

1. On January 7, 2010, Defendant used force and physically obstructed the entrance to a reproductive health services facility with the intent to injure, intimidate and interfere with persons seeking and providing reproductive health services. Based upon these and other actions, in bringing this action, the United States has reasonable cause to believe: (1) Defendant has committed, and is likely to continue to commit, violations of FACE; and (2) various persons are being, have been, and will continue to be injured by Defendant's conduct. Accordingly, the United States seeks, *inter alia*, a permanent injunction against Defendant from coming within 25 feet of the reproductive health services facility in question and a civil penalty.

**II. JURISDICTION AND VENUE**

2. This Court has jurisdiction over this action pursuant to FACE, 18 U.S.C. § 248(c)(2), and 28 U.S.C. §§ 1331, 1345, and 1355.

3. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b)(1) and (b)(2), in that, upon information and belief, Defendant resides in this judicial district and all the events giving rise to this complaint occurred in this judicial district.

**III. PARTIES**

4. Plaintiff is the sovereign United States of America, which has standing to bring this action pursuant to FACE, 18 U.S.C. § 248(c)(2).

5. On information and belief, Defendant resides in Mountlake Terrace, Washington.

**IV. FACTUAL BACKGROUND**

6. The Lynnwood Health Center ("Health Center") is a reproductive healthcare clinic located at 19505 76th Avenue in Lynnwood, Washington.

7. The employees of the Health Center provide, and the patients of the Health Center seek, reproductive health care services.

8. On January 5, 2010, Defendant entered the Health Center waiting room and engaged the Health Center manager in conversation about abortion services. The Defendant grew agitated and exited the Health Center without further incident.

9. Two days later, in the early morning hours of January 7, 2010, Defendant was witnessed walking along the wooded perimeter of the Health Center property.

10. At approximately 10:30 a.m. on January 7, 2010, Defendant entered the Health Center waiting room, and engaged the front desk employee in conversation about abortion services.

11. Defendant became agitated and attempted to open the door that separated the waiting room from the exam room hallway.

12. When Defendant could not open the door, he kicked the door several times, and threw his shoulder and body against the door several times.

13. As the Defendant struck the door, he yelled: "You baby killers! You are all going to hell for being murderers."

1           14. Defendant's blows impacted a Health Center nurse, who had pressed his body  
2 against the reverse side of the door in an attempt to reinforce the door against the Defendant's strikes.

3           15. Defendant's actions caused the Health Center manager to call 911, and then to  
4 direct staff to take refuge in a "safe room" in the rear of the Health Center.

5           16. Defendant did not stop beating on the door until police arrived at the Health  
6 Center and apprehended Defendant, placing him in handcuffs.

7           17. Defendant told the police that they "need to watch this place."

8           18. Defendant's car, which he had parked in the Health Center parking lot, contained  
9 a machete and several "army-style" bags containing netting, rip cord, tools, and camouflage clothing.

10                           **V. CAUSE OF ACTION UNDER 18 U.S.C. § 248**

11           19. The United States incorporates herein the averments of paragraphs 1 through 18  
12 hereof.

13           20. Defendant's conduct as described in paragraphs 9 through 18 hereof constitutes a  
14 physical obstruction that intimidated and/or interfered with reproductive health service providers in  
15 violation of FACE, 18 U.S.C. § 248(a)(1).

16           21. Defendant's conduct as described in paragraphs 9 through 18 hereof constitutes a  
17 use of force that intimidated and/or injured reproductive health service providers in violation of FACE,  
18 18 U.S.C. § 248(a)(1).

19           22. On information and belief, unless Defendant is restrained by this Court, Defendant  
20 will again engage in the illegal conduct averred herein, or other similar illegal conduct targeted against  
21 the Health Center.

22                           **VI. PRAYER FOR RELIEF**

23           23. The United States is authorized under 18 U.S.C. § 248(c)(2)(B) to seek and  
24 obtain temporary, preliminary, and/or permanent injunctive relief from this Court for Defendant's  
25 violation of FACE.

26           24. The United States is further authorized under 18 U.S.C. § 248(c)(2)(B)(i) to assess  
27 a civil penalty against a respondent no greater than \$10,000.00 for a nonviolent physical obstruction.  
28

WHEREFORE, the United States respectfully requests judgment in its favor and against Defendant, John C. Kroack, in the form of:

A. An Order prohibiting Defendant, John C. Kroack, from coming within 25 feet of the Health Center property;

B. An Order prohibiting Defendant, John C. Kroack, and his representatives, agents, employees and any others acting in concert or participation with him, from violating the Freedom of Access to Clinic Entrances Act; and

C. A civil penalty assessment in the amount of \$10,000.00.

Dated this 11th day of March, 2011.

Respectfully submitted,

THOMAS E. PEREZ  
Assistant Attorney General  
Civil Rights Division

JONATHAN SMITH, Chief  
JULIE ABBATE, Deputy Chief  
Special Litigation Section

/s/ William E. Nolan  
WILLIAM E. NOLAN \*  
Senior Trial Attorney  
U.S. Department of Justice  
Civil Rights Division  
Special Litigation Section  
950 Pennsylvania Ave., N.W.  
Washington, DC 20530  
Phone: (202) 352-4637; Fax: (202) 514-6273  
Email: [William.Nolan@usdoj.gov](mailto:William.Nolan@usdoj.gov)

JENNY A. DURKAN  
UNITED STATES ATTORNEY

/s/ J. Michael Diaz  
J. MICHAEL DIAZ, WSBA # 38100  
Assistant United States Attorney  
United States Attorney's Office  
700 Stewart Street, Suite 5220  
Seattle, Washington 98101-1271  
Phone: (206) 553-7970; Fax: (206) 553-4073  
E-mail: [Michael.Diaz@usdoj.gov](mailto:Michael.Diaz@usdoj.gov)

Attorneys for Plaintiff United States of America

\* Conditional Admission Pending